

## **MINUTES**

### **MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Scott Sales, on March 11, 2015 at 9:00 AM, in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Scott Sales, Chair (R)  
Sen. Jennifer Fielder, Vice Chair (R)  
Sen. Robyn Driscoll (D)  
Sen. Jedediah Hinkle (R)  
Sen. Douglas (Doug) Kary (R)  
Sen. Cliff Larsen (D)  
Sen. Mary McNally (D)  
Sen. Mary Sheehy Moe (D)  
Sen. Diane Sands (D)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. Kris Hansen (R)  
Sen. Nels Swandal (R)

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 227, 3/6/2015; HB 330, 3/6/2015; HB 397, 3/6/2015; HB 410, 3/6/2015; HB 505, 3/6/2015

Executive Action: HB 397-Be Concurred In, HB 410-Be Concurred In, HB 505-Be Concurred In As Amended, HB 227-Be Concurred In-Motion Withdrawn, further discussion needed, HB 412-Be Concurred In, HB 436-Be Concurred In, SR 25-Be Adopted, SR 27-Be Adopted

**HEARING ON HB 505**

**Opening Statement by Sponsor:**

00:00:59 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 505, Establish employee safe travel to work laws.

**Proponents' Testimony:**

00:03:41 Doug Nulle, Montana Shooting Sports Association (MSSA)

**Opponents' Testimony:**

00:05:51 Lonnie Olson, Montana Trial Lawyers Association (MTLA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:11:11 Sen. Kary  
00:11:52 Mr. Olson, MTLA  
00:12:56 Sen. Fielder  
00:13:16 Mr. Olson  
00:16:39 Rep. Monforton

**Closing by Sponsor:**

00:17:18 Rep. Monforton

**HEARING ON HB 330**

**Opening Statement by Sponsor:**

00:21:36 Rep. Nicholas Schwaderer (R), HD 14, opened the hearing on HB 330, Establish standards for law enforcement use and acquisition of certain equipment.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

00:23:16 Larry Epstein, Montana County Attorneys Association (MCAA); Montana Chiefs of Police (MCOP); Montana Police Protective Association (MPPA)  
00:25:14 Jerry Williams, executive director, Montana Police Protective Association (MPPA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:26:22 Sen. Fielder  
00:26:54 Rep. Schwaderer  
00:30:27 Sen. Hinkle  
00:30:42 Rep. Schwaderer  
00:32:15 Sen. Sands  
00:32:31 Rep. Schwaderer  
00:36:28 Sen. Moe  
00:38:06 Chairman Sales  
00:39:37 Rep. Schwaderer  
00:40:25 Sen. Fielder  
00:40:59 Rep. Schwaderer  
00:44:11 Sen. Sands  
00:44:40 Rep. Schwaderer

**Closing by Sponsor:**

00:46:07 Rep. Schwaderer

**HEARING ON HB 410**

**Opening Statement by Sponsor:**

00:47:04 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 410, Generally revise laws on the exploitation of vulnerable persons.

**Proponents' Testimony:**

00:53:19 Chad Parker, assistant attorney general, Prosecutions Bureau, Department of Justice (DOJ)  
00:54:44 Larry Epstein, Montana County Attorneys Association (MCAA)  
00:57:10 Wally Melcher, Montana Association of Community Disabilities Services (MACDS)  
00:59:18 Lori Hamm, recovery specialist, Secretary of State's Office (SOS)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:02:44 Sen. McNally  
01:03:43 Rep. Essmann  
01:04:35 Sen. Moe  
01:05:34 Rep. Essmann  
01:07:00 Sen. Fielder  
01:07:57 Sen. Essmann  
01:09:04 Sen. Fielder  
01:09:27 Ms. Hamm, SOS  
01:11:10 Sen. Fielder  
01:11:32 Mr. Parker, DOJ

**Closing by Sponsor:**

01:18:49 Rep. Essmann

**HEARING ON HB 227**

**Opening Statement by Sponsor:**

01:20:34 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 227, Adopting 2008 uniform interstate family support act.

**Proponents' Testimony:**

01:24:15 Chad Dexter, administrator, Child Support Enforcement Division, Department of Public Health and Human Services (DPHHS); also for Karen Powell, commissioner, Montana Uniform Law Commission

[EXHIBIT\(jus50a01\)](#)

[EXHIBIT\(jus50a02\)](#)

01:32:59 Amy Pfeifer, attorney, Child Support Enforcement Division, Department of Public Health and Human Services (DPHHS)

01:40:42 Robin Turner, public policy and legal director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:41:34 Sen. Hinkle  
01:41:49 Ms. Pfeifer, DPHHS  
01:44:18 Sen. Fielder  
01:44:51 Ms. Pfeifer  
01:45:35 Sen. Fielder

01:45:54 Rep. Dudik  
 01:47:28 Sen. Kary  
 01:48:02 Mr. Dexter, DPHHS  
 01:50:44 Sen. Felder  
 01:51:22 Ms. Pfeifer  
 01:55:03 Chairman Sales  
 01:56:00 Ms. Pfeifer  
 01:57:03 Sen. Hinkle  
 01:57:37 Ms. Pfeifer  
 01:58:22 Sen. Hinkle  
 01:58:45 Mr. Dexter  
 02:00:35 Sen. Sands  
 02:01:18 Ms. Pfeifer  
 02:05:24 Chairman Sales  
 02:05:38 Ms. Pfeifer

**Closing by Sponsor:**

02:06:15 Rep. Dudik

**HEARING ON HB 397**

**Opening Statement by Sponsor:**

02:06:42 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 397, Revise adoption laws related to release of birth certificates to adoptees.

**Proponents' Testimony:**

02:10:34 Beth Jaffe, self; Concerned United Birthparents (CUB), Missoula  
 02:14:56 Brenda Desmond, self, Missoula

[EXHIBIT\(jus50a03\)](#)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:18:4 Sen. Sands  
 02:19:01 Ms. Desmond, self  
 02:19:20 Sen. Hinkle  
 02:19:57 Ms. Desmond  
 02:23:31 Rep. Dudik  
 02:25:01 Sen. Felder  
 02:25:29 Rep. Dudik

02:26:28 Chairman Sales  
02:26:46 Rep. Dudik  
02:27:50 Ms. Jaffe, self

**Closing by Sponsor:**

02:29:28 Rep. Dudik  
  
02:29:50 Recess  
02:40:36 Reconvene

**EXECUTIVE ACTION ON HB 397**

02:41:29 **Motion:** Sen. Moe moved that **HB 397 BE CONCURRED IN.**

**Discussion:**

02:41:43 Sen. Vincent  
02:41:51 Chairman Sales  
02:41:58 Julianne Burkhardt, Legislative Services Division (LSD)  
  
02:42:27 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Swandal voted by proxy. Sen. McNally will carry the bill.

**EXECUTIVE ACTION ON HB 410**

02:43:27 **Motion:** Sen. Fielder moved that **HB 410 BE CONCURRED IN.**

**Discussion:**

02:43:42 Sen. Hinkle  
02:44:25 Sen. Fielder  
02:45:07 Sen. Sands  
02:45:20 Sen. Larsen  
02:46:00 Chairman Sales  
  
02:46:20 **Vote:** Motion carried 9-2 by roll call vote with Sen. Hinkle and Sen. Sales voting no. Sen. Hansen voted by proxy. Sen. Swandal was excused. Sen. Moe will carry the bill.

**EXECUTIVE ACTION ON HB 505**

02:47:27 **Motion:** Sen. Fielder moved that **HB 505 BE CONCURRED IN.**

02:47:35 **Motion:** Sen. Sands moved that **HB 505 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO RESTORE "LOCKED IN".**

**Discussion:**

02:48:08 Julianne Burkhardt, Legislative Services Division (LSD)  
 02:48:49 Sen. Sands  
 02:48:51 Sen. Moe  
 02:49:05 Sen. Kary  
 02:49:23 Sen. Fielder  
 02:50:06 Sen. McNally  
 02:50:23 Sen. Fielder  
 02:50:30 Sen. McNally  
 02:50:32 Chairman Sales

02:50:34 Without objection, Sen. Sands withdrew her motion.

02:51:32 **Motion:** Sen. McNally moved that **HB 505 BE AMENDED BY RESTORING ORIGINAL LANGUAGE TO THE BILL.**

**Discussion:**

02:51:47 Sen. Sands  
 02:52:00 Chairman Sales

02:52:07 **Vote:** Motion carried 7-3 by voice vote with Sen. Fielder, Sen. Hinkle and Sen. Kary voting no. Sen. Hansen and Sen. Swandal were excused.

02:52:41 **Motion:** Sen. Vincent moved that **HB 505 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:52:50 Sen. Moe

02:54:18 **Vote:** Motion carried 10-2 by roll call vote with Sen. Driscoll and Sen. Moe voting no. Sen. Hansen and Sen. Swandal voted by proxy. Sen. Hinkle will carry the bill.

**EXECUTIVE ACTION ON HB 227**

02:54:50 **Motion:** Sen. Sands moved that **HB 227 BE CONCURRED IN.**

**Discussion:**

02:54:55 Sen. Fielder  
 02:55:06 Without objection, Sen. Sands withdrew her motion.

02:55:47 Sen. McNally  
 02:56:01 Sen. Fielder

**EXECUTIVE ACTION ON HB 412**

02:57:48 **Motion/Vote:** Sen. Sands moved that **HB 412 BE CONCURRED IN**. Motion carried 6-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Kary, Sen. Sales and Sen. Vincent voting no. Sen. Hansen voted by proxy. Sen. Swandal was excused. Sen. Sands will carry the bill.

**EXECUTIVE ACTION ON HB 436**

02:59:58 **Motion:** Sen. Fielder moved that **HB 436 BE CONCURRED IN**.

**Discussion:**

03:00:28 Julianne Burkhardt, Legislative Services Division (LSD)  
03:01:07 Sen. Vincent  
03:01:52 Sen. Fielder  
03:02:21 Sen. Larsen

03:02:52 **Vote:** Motion carried unanimously by roll call vote. Sen. Hansen and Sen. Swandal voted by proxy. Sen. Larsen will carry the bill.

(Sen. Fielder left the hearing room)

**EXECUTIVE ACTION ON SR 25**

03:04:23 **Motion/Vote:** Sen. Sands moved that **SR 25 BE ADOPTED**. Motion carried 8-3 by voice vote with Sen. Hinkle, Sen. Kary and Sen. Sales voting no. Sen. Swandal and Sen. Hansen voted by proxy. Sen. Fielder was excused.

**EXECUTIVE ACTION ON SR 27**

03:06:08 **Motion:** Sen. Sales moved that **SR 27 BE ADOPTED**.

**Discussion:**

03:06:15 Sen. Vincent

03:06:30 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder, Sen. Hansen and Sen. Swandal voted by proxy.



**ADJOURNMENT**

Adjournment: 12:07 P.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus50aad.pdf](#))**